

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Nancy J. Amantea, *et al.*, : Case No. \_\_\_\_\_  
Plaintiffs, : Judge \_\_\_\_\_  
v. :  
David A. Dadante, *et al.*, : NOTICE OF REMOVAL  
Defendants. :  
:

Pursuant to 28 U.S.C. § 1446, Defendant Pershing, LLC ("Pershing") gives notice of the removal of the above action to the United States District Court for the Northern District of Ohio. In support of this notice of removal, Pershing states as follows:

1. On or about October 10, 2007, Plaintiff Nancy J. Amantea, *et. al.* ("Plaintiffs"), filed an action against Pershing and 11 other Defendants in the Cuyahoga County Court of Common Pleas. A copy of the complaint is attached as Exhibit A.
2. Plaintiffs' complaint alleges violations of § 10(b) of the Securities and Exchange Act of 1934, 15 U.S.C. § 10j(b) and Securities and Exchange Commission Rule 10b-5, 17 C.F.R. 240.10b-5, (Compl. ¶¶ 20, 21, 22 and 23), of § 20(a) of the Securities Exchange Act of 1934, 15 U.S.C. § 78t (Compl. ¶¶ 25 and 26), and the Racketeering Influenced and Corporate Organization Act, 18 U.S.C. § 1961 *et seq.*, (Compl. ¶¶ 28 and 29); therefore, federal question jurisdiction exists under 28 U.S.C. § 1331.
3. Supplemental jurisdiction exists over Plaintiffs' state common law fraud claim as that claim is so related to Plaintiffs' federal statutory claims that they form part of the same case or controversy under 28 U.S.C. § 1337(a).

4. The summons and complaint have not yet been served on Pershing.

5. Upon information and belief, the other named Co-Defendants have not yet been served. Moreover, counsel has not yet entered an appearance on their behalf. A copy of the docket is attached as Exhibit B. As a result, consent of the other Co-Defendants is unnecessary pursuant to 28 U.S.C. § 1446(b).

6. Pershing has filed a notice of filing notice of removal with the Cuyahoga County Court of Common Pleas, which is attached as Exhibit C. A copy of this notice of removal was also filed in the state court.

7. The United States District Court for the Northern District of Ohio is the district court for the district embracing Cuyahoga County, where the state court action is pending. 28 U.S.C. § 115(a)(1).

For each and all of the foregoing reasons, federal jurisdiction exists under 28 U.S.C. § 1331, and removal is appropriate pursuant to 28 U.S.C. § 1441(a).

Respectfully submitted,

/s/ Adam D. Cornett

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Attorneys for Defendant Pershing, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of October, 2007, the foregoing was filed electronically. Parties may access this filing through the Court's electronic filing system.

I also hereby certify that a true and accurate copy of the foregoing Notice of Removal of Pershing, LLC has been served upon the following this 19<sup>th</sup> day of October, 2007, via Regular U.S. Mail, postage prepaid, and via Certified Mail:

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Defendant

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/s/ Adam D. Cornett

One of the Attorneys for Defendant  
Pershing, LLC